

KAY et al
Appl. No. 10/581,513
February 23, 2009

REMARKS/ARGUMENTS

Reconsideration of this application is requested. Claims 1-11 are in the case.

I. THE ANTICIPATION REJECTION

Claims 1-11 stand rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. patent 5,273,190 to Lund. The rejection is respectfully traversed.

The invention as claimed is directed to a syringe for dispensing foam. The syringe comprises a syringe plunger, a waste chamber communicating with a front face of the plunger, and a syringe barrel having a nozzle and a bore for receiving the plunger. The plunger is provided with a seal for sealing between the plunger and the inner surface of the bore, thereby preventing flow of foam past the front face of the plunger. In this way, as explained, for example, in the paragraph bridging pages 10 and 11 of the specification, as foam continues to flow, a back pressure builds up which eventually becomes sufficient to overcome the friction between the plunger seal and the inner surface of the syringe barrel. The plunger the moved back and the syringe barrel fills with quality foam.

Lund does not disclose (or suggest) the syringe as claimed. In Lund, there is no seal between the plunger and the inner surface of the barrel preventing flow of foam past the front face of the plunger. Indeed, it is critical in Lund that the contents of the pierced bags flow around and through the front face of the plunger to allow mixing of the liquids to occur.

As Lund does not disclose the syringe as now claimed, it is clear that the anticipation rejection should be withdrawn. Such action is respectfully requested.

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II. AMENDMENTS

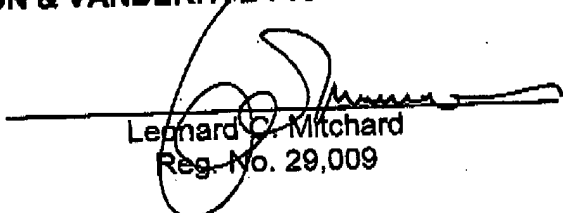
The specification has been amended to include customary headings. In addition, claim 1 has been amended to further clarify the presence of the seal between the inner wall of the bore and the front face of the plunger. Support appears for example at page 10, line 31 to page 11, line 2, and in the drawings. Consequential amendments have been made in the dependent claims. No new matter is entered.

Favorable action is awaited.

Respectfully submitted,

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